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Text Amendment Application No. 115
Boston Redevelopment Authority
Waterfront Public Access Zone

TO THE ZONING COMMISSION OF THE CITY OF BOSTON:

The Boston Redevelopment Authority petitions to amend the text of the Boston Zoning Code by inserting after Article 28 the following article:

ARTICLE 29

WATERFRONT PUBLIC ACCESS

SECTION 29-1. Statement of Purpose. The purposes of this article are to protect Boston Harbor as an important natural resource for the benefit of present and future generations; to promote a waterfront that is accessible, safe, comfortable, and inviting to all of Boston's residents and visitors; to encourage waterfront development that is respectful of Boston's heritage and sensitive to the public's need to use the waterfront; to enhance public access to Boston Harbor and its open space, recreational, residential, commercial, and water-dependent industrial uses; to regulate new development along Boston's shoreline to assure that it complements the existing scale and character of the waterfront; and to facilitate the renewed use and vitality of the Boston waterfront to benefit the greatest number of people.

SECTION 29-2. Definitions. For the purposes of this article only, the following words or phrases, when capitalized, shall have the meanings indicated.

1. "Applicant" shall mean any person or entity having a legal or equitable interest in a Proposed Project subject to the requirements of this article, as set forth in Section 29-4.

2. "High Water Mark" shall mean the existing mean high water mark, or in the case of Piers, the seaward edges of such structures.

3. "Maritime-dependent Industrial Uses" shall mean land uses upon wharves, piers, docks, berths, marine terminals, and related structures which are necessary for the transfer between ship and shore of goods or passengers transported in waterborne commerce; facilities associated with marine terminals for the storage of goods transported by waterborne commerce; manufacturing facilities relying on the bulk receipt of shipments of goods by waterborne commerce; wharves, piers, docks, and processing and storage facilities necessary for commercial fishing; dry docks and other facilities related to the construction, servicing, or repair of vessels and other marine structures; and docks, wharves, berths, dolphins, or mooring facilities for tow boats, barges, dredges, ferries, commuter boats, water buses, water taxis, and passenger or other vessels engaged in waterborne commerce, port operations, or marine construction.

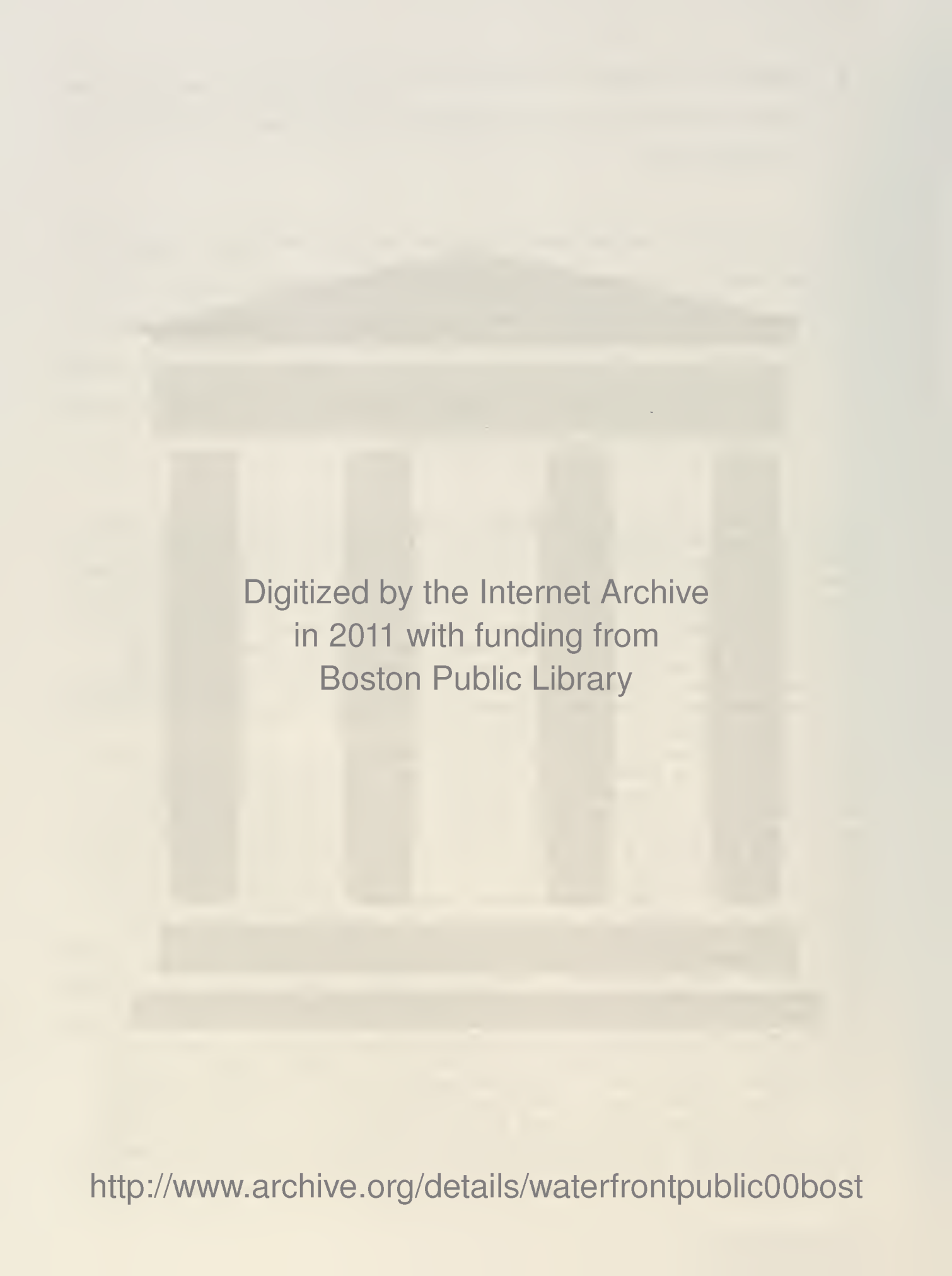
4. "Piers" shall mean any pier, wharf, or other structure that extends seaward of the existing mean High Water Mark in Boston Harbor.

5. "Proposed Project" shall mean any construction, reconstruction, alteration, or rehabilitation of a structure for which the Applicant is required to obtain a building permit.

6. "Setback" shall mean the distance from the bottom line of the face of any wall of a structure to the line parallel to or most nearly parallel to the High Water Mark.

7. "Substantially Rehabilitate" shall mean to cause alterations or repairs to be made to a building or structure, within any period of twelve (12) months, costing more than fifty percent (50%) of the assessed value of the building or structure prior to such alterations or repairs, such value to be based on the assessed value for real estate tax purposes as of the assessment date preceding the application.

SECTION 29-3. Physical Boundaries. The provisions of this article shall apply to the area seaward of the following boundaries: From the most easterly point on the Cambridge/Boston city boundary line, as measured northeasterly and easterly along said boundary from the Old Charles River Dam, westerly along the boundary line to the Old Charles River Dam; across the Old Charles River Dam to Nashua Street; Nashua Street to the viaduct connecting the Central Artery and Storrow Drive; along said viaduct to Beverly Street; southerly by Beverly Street to Causeway Street; northerly by Causeway to Commercial Street; Commercial Street to Atlantic Avenue; Atlantic Avenue to Northern Avenue. From the intersection of Atlantic Avenue and the centerline of Northern Avenue; along said center line of Northern Avenue to a point on a line parallel to the water's edge of Fort Point Channel at a distance of thirty-five feet (35') westerly from the westerly line of the water's edge; southwesterly along said line parallel with and distant thirty-five feet (35') westerly from the westerly line of the water's edge of Fort Point Channel to the Dorchester Avenue Bridge; southerly across said Bridge to a point on a line parallel to the water's edge of Fort Point hannel at a distance of thirty-five feet (35') easterly from the easterly line of the water's edge; northeasterly along said line parallel with and distant thirty-five feet (35') easterly from the easterly line of the water's edge of Fort Point Channel to the centerline of Northern Avenue; northwesterly along said centerline of Northern Avenue a distance of eighty-five feet (85') to a point on said centerline of Northern Avenue; thence turning and running northerly and easterly along a line in Boston Inner Harbor parallel to and fifty feet (50') seaward of the Pierhead and Bulkhead Line of 1916 (Abandoned), to a point along said parallel line in Boston Inner Harbor fifty feet (50') northeasterly from a point along said parallel line midway between the most northeasterly point of Pier IV and the westerly side of the Commonwealth Pier; thence turning and running southerly parallel to the easterly side of Pier IV to Northern Avenue; east along Northern Avenue to Viaduct Road; Viaduct Road and C Street to Bolton Street; easterly along Bolton Street to Dorchester Street; north along Dorchester Street to a point on a line parallel to East Second Street at a distance of one hundred fifty feet (150') south of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the center line of East Second Street; easterly along said line to Farragut Road; Farragut Road to the northerly boundary of Marine Park and Castle Island to the east end of Castle Island. From the northeast end of Castle Island along the northerly boundary of Castle Island and Marine Park to Farragut Road; Farragut Road to William Day Boulevard; William Day Boulevard to Columbia Road; Columbia Road to Old Colony Avenue; Old Colony Avenue to a point on a line parallel to Savin Hill Avenue which is also the southerly boundary of an M-1 district lying north of Savin Hill; southeasterly on said line to Morrissey Boulevard; south on Morrissey Boulevard to the northerly boundary of Malibu Beach Park; westerly along the northerly lines of Malibu Beach Park and McConnell Park to the Southeast Expressway; northerly along said Expressway to Bay Street; westerly on Bay Street to Dorchester Avenue; Dorchester Avenue to Freeport Street; Freeport Street to Morrissey Boulevard; south on Morrissey Boulevard to Victory Road; west on Victory Road to Houghton Street; southeast on Houghton Street to Pope's Hill Street; easterly by Pope's Hill Street to Salina Road and by the southern boundary of an I-2 district to Morrissey Boulevard; along Morrissey Boulevard to Gallivan Boulevard; Gallivan Boulevard to a point of an extension to Gallivan Boulevard of an M-1 district boundary line in Hallet-Davis Street; south on said line and Hallet-Davis Street; to the old Penn Central tracks; along the tracks to Granite Avenue and continuing along the northwest boundary of the Metropolitan District Commission Park Reservation to Medway Street; along Medway Street to Adams Street; Adams Street to Dorchester Avenue; and Dorchester Avenue to the Milton boundary line. From the northernmost point of the Inner Harbor boundary, northwesterly and westerly along the Cambridge/Boston city boundary line to Austin Street; northeasterly by Austin Street to Rutherford Avenue; easterly along Rutherford Avenue and Front Street to Warren Avenue; northerly by Warren Avenue to City Square; east on Chelsea Street to Medford Street; northwest on Medford Street to Sullivan Square; from Sullivan Square northwest on Mystic Avenue to the Somerville boundary; northeast along the Somerville/Boston boundary and the Everett/Boston boundary; southwest along the Everett/Boston boundary to the boundary line in the Mystic River and along the latter boundary line to the Mystic-Tobin Bridge. Along Chelsea Street from the Chelsea River to East Eagle Street; East Eagle Street to Glendon Street; Glendon Street to Falcon Street; Falcon Street to Meridian Street; Meridian Street to London Street; London Street to Maverick Street to Havre Street; Havre Street to Summer Street to Orleans Street; Orleans Street to Webster Street; Webster Street to Jeffries Street; Jeffries Street to Maverick Street; southerly on Maverick Street to the Harbor's edge.

Unless otherwise specified or required, boundaries defined with reference to streets shall refer to the centerline of the street.

These boundaries shall be shown on a series of maps entitled "Zoning Districts - City of Boston - Supplemental Maps - Waterfront Public Access Zone" and dated with the effective date of this article. Said maps shall be deemed to be, and are hereby made, a part of this code.

SECTION 29-4. Applicability. Any Applicant seeking a building permit for any Proposed Project within the boundaries described in Section 29-3 shall be subject to the requirements of this article.

SECTION 29-5. Setback of Buildings. No structure, except one used exclusively in connection with a Maritime-Dependent Industrial Use, shall be erected, altered or extended within thirty-five feet (35') of the High Water Mark.

SECTION 29-6. Setback of Buildings on Piers. No structure shall be erected, altered, or extended within thirty-five feet (35') of the seaward end of any Pier. The total Setback on each of the nonseaward edges of the Pier shall be at least ten percent of the average width of the Pier; provided that the minimum setback along each nonseaward edge of the Pier shall be twelve feet (12').

SECTION 29-7. Public Waterfront Access Requirements. Any Applicant seeking a building permit for exterior construction or alteration for a Proposed Project subject to the requirements of this article shall demonstrate to the Boston Redevelopment Authority how the design of the Proposed Project will enhance the public's visual and physical access to the waterfront to the maximum extent feasible. If the Proposed Project is subject to licensing requirements

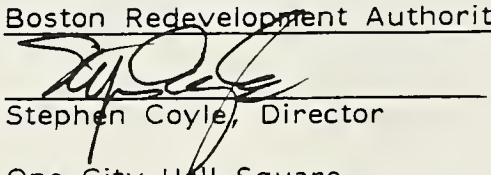
pursuant to Massachusetts General Laws, Chapter 91, the demonstration shall be made prior to any Boston Redevelopment Authority determination of whether the Proposed Project serves a proper public purpose.

SECTION 29-8. Criteria for Approval; Determination of Proper Public Purpose. The Boston Redevelopment Authority shall determine whether a Proposed Project satisfies the requirements of this article on the basis of (a) the extent to which the Proposed Project enhances the public's overall visual and twenty-four- (24-) hour physical access to the waterfront and (b) the extent to which the Proposed Project's public access is compatible with surrounding land uses. In making such determination, the Boston Redevelopment Authority shall take into account the form of ownership, the use, and the land characteristics of the Proposed Project. If the Proposed Project is subject to licensing requirements pursuant to Massachusetts General Laws, Chapter 91, the Boston Redevelopment Authority shall determine that a Proposed Project without any Maritime-dependent Industrial Uses serves a proper public purpose only if the Proposed Project provides visual and twenty-four- (24-) hour public access to the waterfront.

SECTION 29-9. Enforcement. The Commissioner of Inspectional Services shall not issue any building permit for a Proposed Project subject to this article unless the Director of the Boston Redevelopment Authority has certified on each plan, drawing, or specification filed with the Commissioner in connection with the building permit application that the Proposed Project complies with the requirements of this article.

SECTION 29-9. Severability. If any provision or section of this article shall be held invalid by any court of competent jurisdiction, such provision or section shall be deemed to be separate and apart from the remaining provisions or sections of this article and such remaining provisions and sections shall continue in full force and effect.

Petitioner: Boston Redevelopment Authority

By: 
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